
HOUSE BILL 1938

State of Washington

57th Legislature

2001 Regular Session

By Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck

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1 AN ACT Relating to sabotage resulting in damage to land,
2 facilities, and property; amending RCW 4.24.630 and 9.05.060;
3 reenacting and amending RCW 9.94A.320; creating a new section; and
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that state, federal,
7 and private facilities increasingly are becoming the target of
8 terrorist activities. Timber and mining companies, fur farms,
9 recreational, residential, commercial, and industrial development,
10 university research facilities, and animal and biotechnology research
11 laboratories have become targets in a campaign of intimidation,
12 obstruction, and terrorism aimed at the closing of these facilities or
13 industries. These actions are not only illegal but impose extreme
14 suffering and loss on individuals, families, businesses, and
15 communities and pose a serious threat to human life.

16 **Sec. 2.** RCW 4.24.630 and 1999 c 248 s 2 are each amended to read
17 as follows:

1 (1) Every person who goes onto the land of another and who removes,
2 damages, or destroys livestock, timber, crops, minerals, or other
3 similar valuable property from the land, or wrongfully causes waste or
4 injury to the land, or wrongfully injures personal property or
5 improvements to real estate on the land, is liable to the injured party
6 for treble the amount of the damages caused by the removal, waste, or
7 injury. For purposes of this section, a person acts "wrongfully" if
8 the person intentionally and unreasonably commits the act or acts while
9 knowing, or having reason to know, that he or she lacks authorization
10 to so act. Damages recoverable under this section include, but are not
11 limited to, damages for the market value of the property removed or
12 injured, and for injury to the land, including the costs of
13 restoration. In addition, the person is liable for reimbursing the
14 injured party for the party's reasonable costs, including but not
15 limited to investigative costs and reasonable attorneys' fees and other
16 litigation-related costs.

17 (2) This section does not apply in any case where liability for
18 damages is provided under RCW 64.12.030, 79.01.756, 79.01.760,
19 79.40.070, or where there is immunity from liability under RCW
20 64.12.035.

21 **Sec. 3.** RCW 9.05.060 and 1999 c 191 s 2 are each amended to read
22 as follows:

23 (1) Whoever, with intent that his or her act shall, or with reason
24 to believe that it may, injure, interfere with, interrupt, supplant,
25 nullify, impair, or obstruct the owner's or operator's management,
26 operation, or control of any agricultural, stockraising, lumbering,
27 mining, quarrying, fishing, manufacturing, transportation, mercantile,
28 or building enterprise, fur farm, university or private research
29 facility, biotechnology laboratory, or any other public or private
30 business or commercial enterprise, wherein any person is employed for
31 wage, shall willfully damage or destroy, or attempt or threaten to
32 damage or destroy, any property whatsoever, or shall unlawfully take or
33 retain, or attempt or threaten unlawfully to take or retain, possession
34 or control of any property, instrumentality, machine, mechanism, or
35 appliance used in such business or enterprise, shall be guilty of
36 criminal sabotage.

37 (2) Criminal sabotage is a felony.

1 from Schedule IV to someone under 18
2 (RCW 69.50.406)

3 IX Assault of a Child 2 (RCW 9A.36.130)
4 Controlled Substance Homicide (RCW
5 69.50.415)
6 Explosive devices prohibited (RCW
7 70.74.180)
8 Homicide by Watercraft, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2 (RCW
14 70.74.270(2))
15 Over 18 and deliver narcotic from Schedule
16 III, IV, or V or a nonnarcotic, except
17 flunitrazepam or methamphetamine, from
18 Schedule I-V to someone under 18 and 3
19 years junior (RCW 69.50.406)
20 Robbery 1 (RCW 9A.56.200)
21 Sexual Exploitation (RCW 9.68A.040)
22 Vehicular Homicide, by being under the
23 influence of intoxicating liquor or
24 any drug (RCW 46.61.520)

25 VIII Arson 1 (RCW 9A.48.020)
26 Deliver or possess with intent to deliver
27 m e t h a m p h e t a m i n e (R C W
28 69.50.401(a)(1)(ii))
29 Hit and Run--Death (RCW 46.52.020(4)(a))
30 Homicide by Watercraft, by the operation of
31 any vessel in a reckless manner (RCW
32 79A.60.050)
33 Manslaughter 2 (RCW 9A.32.070)
34 Manufacture, deliver, or possess with
35 intent to deliver amphetamine (RCW
36 69.50.401(a)(1)(ii))

1 Manufacture, deliver, or possess with
2 intent to deliver heroin or cocaine
3 (RCW 69.50.401(a)(1)(i))
4 Possession of Ephedrine, Pseudoephedrine,
5 or Anhydrous Ammonia with intent to
6 manufacture methamphetamine (RCW
7 69.50.440)
8 Promoting Prostitution 1 (RCW 9A.88.070)
9 Selling for profit (controlled or
10 counterfeit) any controlled substance
11 (RCW 69.50.410)
12 Theft of Anhydrous Ammonia (RCW 69.55.010)
13 Vehicular Homicide, by the operation of any
14 vehicle in a reckless manner (RCW
15 46.61.520)

16 VII Burglary 1 (RCW 9A.52.020)
17 Child Molestation 2 (RCW 9A.44.086)
18 Dealing in depictions of minor engaged in
19 sexually explicit conduct (RCW
20 9.68A.050)
21 Drive-by Shooting (RCW 9A.36.045)
22 Homicide by Watercraft, by disregard for
23 the safety of others (RCW 79A.60.050)
24 Indecent Liberties (without forcible
25 compulsion) (RCW 9A.44.100(1) (b) and
26 (c))
27 Introducing Contraband 1 (RCW 9A.76.140)
28 Involving a minor in drug dealing (RCW
29 69.50.401(f))
30 Malicious placement of an explosive 3 (RCW
31 70.74.270(3))
32 Sending, bringing into state depictions of
33 minor engaged in sexually explicit
34 conduct (RCW 9.68A.060)
35 Unlawful Possession of a Firearm in the
36 first degree (RCW 9.41.040(1)(a))
37 Use of a Machine Gun in Commission of a
38 Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for the
2 safety of others (RCW 46.61.520)

3 VI Bail Jumping with Murder 1 (RCW
4 9A.76.170(2)(a))
5 Bribery (RCW 9A.68.010)
6 Incest 1 (RCW 9A.64.020(1))
7 Intimidating a Judge (RCW 9A.72.160)
8 Intimidating a Juror/Witness (RCW
9 9A.72.110, 9A.72.130)
10 Malicious placement of an imitation device
11 2 (RCW 70.74.272(1)(b))
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule I or II (except heroin or
15 cocaine) or flunitrazepam from
16 Schedule IV (RCW 69.50.401(a)(1)(i))
17 Rape of a Child 3 (RCW 9A.44.079)
18 Theft of a Firearm (RCW 9A.56.300)
19 Unlawful Storage of Anhydrous Ammonia (RCW
20 69.55.020)

21 V Abandonment of dependent person 1 (RCW
22 9A.42.060)
23 Advancing money or property for
24 extortionate extension of credit (RCW
25 9A.82.030)
26 Bail Jumping with class A Felony (RCW
27 9A.76.170(2)(b))
28 Child Molestation 3 (RCW 9A.44.089)
29 Criminal Mistreatment 1 (RCW 9A.42.020)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Delivery of imitation controlled substance
33 by person eighteen or over to person
34 under eighteen (RCW 69.52.030(2))
35 Domestic Violence Court Order Violation
36 (RCW 10.99.040, 10.99.050, 26.09.300,
37 26.10.220, 26.26.138, 26.50.110,
38 26.52.070, or 74.34.145)

1 Extortion 1 (RCW 9A.56.120)
2 Extortionate Extension of Credit (RCW
3 9A.82.020)
4 Extortionate Means to Collect Extensions of
5 Credit (RCW 9A.82.040)
6 Incest 2 (RCW 9A.64.020(2))
7 Kidnapping 2 (RCW 9A.40.030)
8 Perjury 1 (RCW 9A.72.020)
9 Persistent prison misbehavior (RCW
10 9.94.070)
11 Possession of a Stolen Firearm (RCW
12 9A.56.310)
13 Rape 3 (RCW 9A.44.060)
14 Rendering Criminal Assistance 1 (RCW
15 9A.76.070)
16 Sexual Misconduct with a Minor 1 (RCW
17 9A.44.093)
18 Sexually Violating Human Remains (RCW
19 9A.44.105)
20 Stalking (RCW 9A.46.110)
21 IV Arson 2 (RCW 9A.48.030)
22 Assault 2 (RCW 9A.36.021)
23 Assault by Watercraft (RCW 79A.60.060)
24 Bribing a Witness/Bribe Received by Witness
25 (RCW 9A.72.090, 9A.72.100)
26 Commercial Bribery (RCW 9A.68.060)
27 Counterfeiting (RCW 9.16.035(4))
28 Escape 1 (RCW 9A.76.110)
29 Hit and Run--Injury (RCW 46.52.020(4)(b))
30 Hit and Run with Vessel--Injury Accident
31 (RCW 79A.60.200(3))
32 Indecent Exposure to Person Under Age
33 Fourteen (subsequent sex offense) (RCW
34 9A.88.010)
35 Influencing Outcome of Sporting Event (RCW
36 9A.82.070)
37 Knowingly Trafficking in Stolen Property
38 (RCW 9A.82.050(2))
39 Malicious Harassment (RCW 9A.36.080)

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or nonnarcotics
4 from Schedule I-V (except marijuana,
5 amphetamine, methamphetamines, or
6 flunitrazepam) (RCW 69.50.401(a)(1)
7 (iii) through (v))
8 Residential Burglary (RCW 9A.52.025)
9 Robbery 2 (RCW 9A.56.210)
10 Theft of Livestock 1 (RCW 9A.56.080)
11 Threats to Bomb (RCW 9.61.160)
12 Use of Proceeds of Criminal Profiteering
13 (RCW 9A.82.080 (1) and (2))
14 Vehicular Assault (RCW 46.61.522)
15 Willful Failure to Return from Furlough
16 (RCW 72.66.060)

17 III Abandonment of dependent person 2 (RCW
18 9A.42.070)
19 Assault 3 (RCW 9A.36.031)
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony (RCW
22 9A.76.170(2)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Communication with a Minor for Immoral
25 Purposes (RCW 9.68A.090)
26 Criminal Gang Intimidation (RCW 9A.46.120)
27 Criminal Mistreatment 2 (RCW 9A.42.030)
28 Custodial Assault (RCW 9A.36.100)
29 Delivery of a material in lieu of a
30 controlled substance (RCW
31 69.50.401(c))
32 Escape 2 (RCW 9A.76.120)
33 Extortion 2 (RCW 9A.56.130)
34 Harassment (RCW 9A.46.020)
35 Intimidating a Public Servant (RCW
36 9A.76.180)
37 Introducing Contraband 2 (RCW 9A.76.150)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property (RCW
5 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-Barreled
19 Shotgun or Rifle (RCW 9.41.190)
20 Promoting Prostitution 2 (RCW 9A.88.080)
21 Recklessly Trafficking in Stolen Property
22 (RCW 9A.82.050(1))
23 Securities Act violation (RCW 21.20.400)
24 Tampering with a Witness (RCW 9A.72.120)
25 Telephone Harassment (subsequent conviction
26 or threat of death) (RCW 9.61.230)
27 Theft of Livestock 2 (RCW 9A.56.080)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(1)(b))
31 Unlawful Use of Building for Drug Purposes
32 (RCW 69.53.010)
33 Willful Failure to Return from Work Release
34 (RCW 72.65.070)
35 II Computer Trespass 1 (RCW 9A.52.110)
36 Counterfeiting (RCW 9.16.035(3))
37 Create, deliver, or possess a counterfeit
38 controlled substance (RCW
39 69.50.401(b))

1 Escape from Community Custody (RCW
2 72.09.310)
3 Health Care False Claims (RCW 48.80.030)
4 Malicious Mischief 1 (RCW 9A.48.070)
5 Possession of controlled substance that is
6 either heroin or narcotics from
7 Schedule I or II or flunitrazepam from
8 Schedule IV (RCW 69.50.401(d))
9 Possession of phencyclidine (PCP) (RCW
10 69.50.401(d))
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Theft 1 (RCW 9A.56.030)
14 Theft of Rental, Leased, or Lease-purchased
15 Property (valued at one thousand five
16 hundred dollars or more) (RCW
17 9A.56.096(4))
18 Trafficking in Insurance Claims (RCW
19 48.30A.015)
20 Unlawful Practice of Law (RCW 2.48.180)
21 Unlicensed Practice of a Profession or
22 Business (RCW 18.130.190(7))

23 I Attempting to Elude a Pursuing Police
24 Vehicle (RCW 46.61.024)
25 False Verification for Welfare (RCW
26 74.08.055)
27 Forged Prescription (RCW 69.41.020)
28 Forged Prescription for a Controlled
29 Substance (RCW 69.50.403)
30 Forgery (RCW 9A.60.020)
31 Malicious Mischief 2 (RCW 9A.48.080)
32 Possess Controlled Substance that is a
33 Narcotic from Schedule III, IV, or V
34 or Non-narcotic from Schedule I-V
35 (except phencyclidine or
36 flunitrazepam) (RCW 69.50.401(d))
37 Possession of Stolen Property 2 (RCW
38 9A.56.160)
39 Reckless Burning 1 (RCW 9A.48.040)

1 Taking Motor Vehicle Without Permission
2 (RCW 9A.56.070)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-purchased
5 Property (valued at two hundred fifty
6 dollars or more but less than one
7 thousand five hundred dollars) (RCW
8 9A.56.096(4))
9 Unlawful Issuance of Checks or Drafts (RCW
10 9A.56.060)
11 Unlawful Use of Food Stamps (RCW 9.91.140
12 (2) and (3))
13 Vehicle Prowl 1 (RCW 9A.52.095)

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